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Docket No. GTW-0126 (P1240)**REMARKS**

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 14, 18, 28, 40-42 and 62-66 are amended, and no claims are added or canceled (claims 1-13, 23, 27 and 43-46 were previously canceled), and the specification is amended. As a result, claims 14-22, 28-42 and 47-66 are now pending in the application. Support for the amendments to the specification can be found in the text of originally filed claims 10-13 as well as the co-assigned and co-filed patent application entitled "Architecture for Convergence Systems" which is incorporated by reference into the present patent application. Support for the claim amendments can be found throughout the disclosure, for example, in the specification at pages 6 and 11-13.

The Office Action of July 11, 2008 objects to the specification under 37 CFR §1.75(d). Claims 54-59 are rejected under 35 U.S.C. §101 as allegedly being drawn to non-statutory subject matter. Claims 14-22, 47, 52-61 and 63 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent 5,945,988 (Williams) further in view of U.S. Patent 6,263,502 (Morrison). The Office Action rejects claims 28-44, 48-51 and 63-66 under 35 U.S.C. §103(a) in view of U.S. Patent the Williams patent further in view of U.S. Patent 5,389,963 (Lepley).

***§101 Rejections***

The §101 rejection of claims 54-59 is respectfully traversed for at least the following reasons.

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*Alleged Antecedent Basis from Specification:* The Office Action contends that claims 54-59—which recite a computer-readable medium containing computer instructions—lacks antecedent basis from the specification. It is not clear whether this is an enablement rejection or a written description rejection. Nonetheless, it is respectfully submitted that the claims fully adhere to §101, both for enablement and written description (and antecedent basis). The claims are fully supported by passages throughout the disclosure, including for example, pages 4-5 and 12-13 of the specification. For example, the specification also discloses that that “[m]emory 120 commonly includes ROM 121 for holding BIOS and other low-level fixed program code and system data; RAM 122 holds an operating system, application programs, data, and other information.”<sup>1</sup> The specification provides an example of an operating system—e.g., Microsoft® Windows95®—for use with the software applications, software drivers and interfaces for implementing the present invention. The specification also discloses the details of the commands, code and logic organized in table 300 which establishes the profiles for multiple input devices and multiple channels within the tunable devices capable of receiving input signals or channels. Table 300 can be stored in a memory of the system such as memory 120 or in some other nonvolatile memory location. Table 300 used in conjunction with the operating system, software drivers and interfaces implements the various embodiments of the invention. Although it is believed that claims 54-59 were fully supported prior to this paper, the present amendments add a passage to the paragraph spanning pages 13-14 to even more clearly provide support for claims 54-59. The added passage is itself supported by originally filed claims 10-13.

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<sup>1</sup> Specification pages 4-5.

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Accordingly, it is respectfully submitted that the claims fully adhere to §101, both for enablement and written description. Therefore, withdrawal of the rejection is earnestly requested.

*Alleged Program Per Se:* The Office states that the claims recite only program steps and are therefore drawn to a program per se with no device to recognize and execute the program. It is noted that the claims recite "computer-readable medium containing computer instructions and data for controlling a *multimedia system* configured to receive a plurality of input signal from a *plurality of different media devices* and present media from at least one of said input signals." Hence, the claims recite computer instructions that control a multimedia system, rather than merely a program with no device to recognize and execute the program as alleged in the Office Action.

Under U.S. patent law it is acceptable to claim computer-readable medium, as in the present claims, which are encoded with a computer program with steps defining the computer program's functionality. The MPEP guidelines provide that:

[A] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.<sup>2</sup>

Claim 54 recites a computer-readable medium encoded with a computer program ("computer-readable medium containing computer instructions and data") that defines structural and functional interrelationships between the computer program and the rest of the computer ("a multimedia system configured to receive a plurality of input signal from a plurality of different media devices") which permit the computer program's functionality to be realized ("present

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media from at least one of said input signals through at least one output device, said instructions and data for carrying out operations of:"). Consequently, the claims are thought to define statutory subject matter under 35 USC §101.

Accordingly, it is respectfully submitted that claims 54-59 adhere to the requirements for computer-readable medium claims. Therefore, withdrawal of the §101 rejection is earnestly requested.

*§103 Rejections in view of Combinations of Williams / Morrison / Lepley*

The §103(a) rejection of claims 14-22, 47, 52-61 and 63 in view of the Williams / Morrison hypothetical combination, and the §103(a) rejection of claims 28-44, 48-51 and 63-66 in view of the Williams / Lepley hypothetical combination are obviated by the present claim amendments. It is respectfully submitted that the rejections cannot be maintained for at least the following reasons.

The present invention involves a convergence system with a number of media devices such as a television and other video/audio components connected together with a computer. Quite often the output signals of each media device in the convergence system have characteristics and parameter values that differ from those of the other media devices. For instance, the video and audio voltage levels, contrast compression, frequency bandwidths, and other parameters or characteristics of the various output signals are almost always different enough to produce noticeable difference when a common audio or audio/video output device presents signals from the two different devices to a user. When switching back and forth

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<sup>2</sup> MPEP 2106.01(I).

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between the television tuner and a video disc player, the user must re-adjust the parameters and settings of the output device to maintain a consistent display and/or volume level. Various embodiments of the present invention allow the user to set the output of the different output devices to desired levels through use of a centralized mechanism.

The Williams patent describes an entertainment system that automatically determines and updates user preferences. Williams' device includes a processor agent which monitors user interaction with the entertainment system, automatically determining which user is interacting with the system in order to configure the system in accordance with the appropriate user profile. The Williams system also monitors and records the user's activities with the system to update the user profile which is kept in a user profile database 700. The Office Action acknowledges in its Response to Arguments section that the Williams system does not adjust the media devices, but then contends that these limitations are not in the pending claims. In response to this it is noted that the claims pending before this paper did recite features involving the adjustment of the output devices. For example, claim 14 recites a multimedia system that receives input signals received from media devices and presents the media from at least one of said input signals through an output device after "modifying said one signal in accordance with said at least one retrieved parameter value to produce a modified one signal." Nonetheless, in an effort to provide even more clarity in the claims, claim 14 is amended herein to now recite "modifying said one signal in accordance with said at least one retrieved parameter value to produce a modified one signal, said at least one retrieved parameter value controlling presentation of media by said output device" and "presenting the media from said modified one signal ~~to~~ by said output

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device.” The other independent claims have been amended in similar manners. It is respectfully submitted that none of the art of record teach or suggest these features.

In addition to the above distinctions, the claimed invention involves modifying a parameter of an input signal and then transmitting the modified input signal to an output device. The prior art does not disclose this feature. The system discussed in the Williams patent does not adjust the input signals to the media devices. Instead, the Williams device adjusts each specified channel of a media device to conform to the user’s preferred video and audio settings. Hence, Williams has many settings for each device, depending upon which channel the user tunes to. Consequently, Williams does not teach or suggest “selecting one of said signals [, retrieving] at least one value of a parameter corresponding to said one selected signal [and] modifying said one signal in accordance with said at least one retrieved parameter value to produce a modified one signal, said at least one retrieved parameter value controlling presentation of media by said output device,” as recited in claim 14, or the similar features of the other independent claims.

The Morrison patent involves a system for automatic audio and video control settings for *television programs*. The Morrison device adjusts the settings of the television set, rather than modifying the media signal and transmitting the modified signal. The Lepley patent involves a system for selectively interconnecting audio-video sources and receivers. Consequently, it is respectfully submitted that the Morrison patent and the Lepley patent do not overcome the deficiencies of Williams.

Accordingly, it is respectfully submitted that the Williams patent, the Morrison patent and the Lepley patent, either taken singly or as hypothetical combinations, do not teach or suggest the claimed features. Therefore, withdrawal of the rejection is requested.

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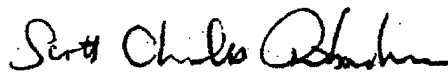
Docket No. GTW-0126 (P1240)*Deposit Account Authorization / Provisional Time Extension Petition*

It is believed that no additional fees are necessary for this filing, and the accompanying Petition for a One-Month Extension of Time attends to the extension of time that is needed. However, to the extent necessary, a Provisional Petition for an Extension of Time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571)748-6200 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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